

One North Lexington Avenue
White Plains, New York 10601
914.681.9500

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIA MANOSALVES and :
CARLOS MANOSALVES, :

Plaintiffs, : 07 Civ. 3846

-against- :

NOTICE TO PRODUCE

FUJITSU TRANSACTION SOLUTIONS, INC. :

Defendant. :

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S I R S:

PLEASE TAKE NOTICE that pursuant to FRCP 34 you are required to produce within thirty (30) days hereof, the following documents for purposes of inspecting and copying the same.

DEFINITIONS

A. As used herein, "document" shall mean any printed, written, recorded, taped, electronic, graphic, computerized printout or other tangible matter in any and all defendant's possession, custody or control, from whatever source, however produced or reproduced, whether in draft or otherwise, whether sent or received or neither, including the original and any non-identical copy (whether different from the original because of

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notes or markings made or attached to such copy or because of any other reason), including, but not limited to correspondence, memoranda, reports, agreements, contracts, statements, notes, computations, audio tape recordings, records, plans, appraisals, maps, deeds, mortgages, leases, bills, invoices, checks, money orders, surveys, and pleadings.

B. As used herein, "communication" is used in the broadest sense possible and includes any statement from one person to another, whether made orally or in writing, by telephone, in a document, at a meeting or otherwise.

C. As used herein, "referring to" is used in the broadest sense possible and includes any reference to or connection with the above case, including but not limited to, references or connections arising out of the above case.

D. Whenever used herein, the word "including" means "including without limitation."

INSTRUCTIONS

A.. This discovery request shall be deemed continuing so as to require further and supplemental production if defendant discovers, obtains or creates additional responsive documents between the time of initial production and the time of trial.

B. Defendant is requested to list all documents withheld from production on the grounds of destruction, loss, privilege, or attorney work product, and if any objections are interposed, to specify the basis or reasons for each. If any document requested herein was formerly in any or all defendant's possession, custody or control and has been lost or destroyed, defendant is requested to submit in lieu of such a document a written

statement identifying the author(s), recipient(s), subject matter, date prepared, date the document was lost or destroyed, reason(s) for such destruction and the person(s) requesting and performing the destruction. With respect to any documents withheld from production on the grounds of privilege or attorney work product, defendant is requested to identify each such document by author(s), recipient(s), subject matter, date, title, subject matter and nature of privilege claimed. If any information is withheld because it is stored electronically, defendant is requested to identify the subject matter of the information, the place or places where such information is stored and maintained, and the custodian thereof.

C. Any description of documents requested that is specific in nature should not be interpreted to diminish the breadth of any more general request that may otherwise encompass such specified documents.

D. All documents produced for copying and inspection pursuant to these requests are to be segregated and labeled to correspond with the categories in this request to which they are responsive.

DOCUMENTS REQUESTED

DEMAND 1: Copies of any agreements with Marshall's department stores regarding any agreements regarding the cash register and point of sale systems, including, but not limited to any service or maintenance contract agreements.

DEMAND 2: Any documents regarding service calls or regularly scheduled maintenance to the Marshall's store located at 221 North Central Park Avenue, Hartsdale, New York 10530.

DEMAND 3: Any reports or documents in connection with any injuries suffered by Maria Manosalves on or about March 5, 2005.

DEMAND 4: Any pictures of the accident or accident scene.

DEMAND 5: Any correspondence of Marshalls to any persons or representatives of defendant about such accident, including, but not limited to Marshall's Worker's Compensation insurance carrier.

Dated: White Plains, New York
November 2, 2007

Yours, etc.

BAKER, LESHKO, SALINE & BLOSSER LLP
Attorneys for Plaintiff

By: 

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